

1 Pamela M. Egan, WSBA No. 54736 (*pro hac vice*)
2 POTOMAC LAW GROUP
3 1905 7th Avenue W
4 Seattle, Washington 98119
5 Telephone: (415) 297-0132
6 Facsimile: (202) 318-7707
7 Email: pegan@potomacclaw.com
8 *Attorneys for Mark D. Waldron, Chapter 11 Trustee*

9 **UNITED STATES BANKRUPTCY COURT**
10 **EASTERN DISTRICT OF WASHINGTON**

11 In re:

12 GIGA WATT, Inc., a Washington
13 corporation,
14 Debtor.

Case No. 18-03197 FPC 11

The Honorable Frederick P. Corbit

**MOTION OF THE CHAPTER 11
TRUSTEE FOR AN ORDER
APPROVING SETTLEMENT WITH
ALLRISE AND GRANTING
RELATED RELIEF**

15 Mark D. Waldron, in his official capacity as the Chapter 11 Trustee (the
16 “Trustee”), hereby moves (the “Motion”) the Court pursuant to 11 U.S.C. §§ 105,
17 363 and 554, Fed. R Bankr. Proc. 2002, 6004 and 9019 and L.B.R. 2002-1,
18 6004-1 and 9019-1 for an Order, as proposed in Exhibit A attached hereto,
19 approving that certain *Agreement and General Release of Claims* (the “Settlement
20 Agreement”) between the Trustee, on behalf of the estate, on the one hand, and
21 Allrise Financial Group, Inc., a Delaware corporation, Allrise IP Holding, Inc., a
22

23
24 Chapter 11 Trustee’s Motion for Order
25 Approving Allrise Settlement - Page 1

1 Delaware corporation, and Allrise IP Holding, Inc., a Cayman Islands corporation
2 (collectively, “Allrise”), on the other. A copy of the Settlement Agreement is
3 attached hereto as Exhibit B. The Motion is supported by the *Memorandum of*
4 *Points and Authorities in Support of Motion of the Chapter 11 Trustee for an*
5 *Order Approving Settlement With Allrise and Granting Related Relief* (the
6 “Memorandum”) and the *Declaration of Mark D. Waldron in Support of Motion*
7 *of the Chapter 11 Trustee for an Order Approving Settlement With Allrise and*
8 *Granting Related Relief*, filed herewith.

9 As set forth more fully in the Memorandum, pursuant to the Settlement
10 Agreement, Allrise has agreed to release the estate of all claims. The release is
11 mutual. The Trustee has agreed to abandon Pod 1 located at the Debtor’s former
12 facility in Moses Lake, Washington and to transfer to Allrise five (5) S9 miners
13 and ninety-five (95) Panda Plus B3 miners.

14 The Trustee further respectfully requests that the Order be effective
15 immediately.

16 WHEREFORE, the Trustee respectfully requests entry of an Order:

- 17 1. Granting the Motion;
- 18 2. Approving the Settlement Agreement;
- 19 3. Authorizing and directing the Trustee to abandon Pod 1;
- 20 4. Authorizing and directing the Trustee to transfer to Allrise five (5) S9
21 miners and ninety-five (95) Panda Plus B3 miners;
- 22
- 23

1 5. Waiving the stay set forth in Bankruptcy Rule 6004(h) and providing
2 for the Order to be effective immediately upon entry; and

3 6. Granting such other and further relief as the Court deems necessary
4 and just.

5 Dated: August 25, 2020

POTOMAC LAW GROUP PLLC

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7 By: /s/ Pamela M. Egan
Pamela M. Egan (WSBA No. 54736)

8 *Attorneys for Mark D. Waldron, Chapter 11*
9 *Trustee*